

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Suet F. Wong,

Plaintiff,

v.

Night Swim Lane Trust; Bank of America
 Home Loans; and Sables, LLC,

Defendants.

Case No. 2:22-cv-01985-APG-DJA

Order

Before the Court is Defendant Bank of America Home Loans' motion to stay discovery pending the outcome of its motion to dismiss. (ECF No. 14). No party responded to the motion. The Court grants the motion because it finds that a stay of discovery is appropriate in this case under the two-step analysis in *Scharder v. Wynn*, No. 2:19-cv-02159-JCM-BNW, 2021 WL 4810324, at *4 (D. Nev. Oct. 14, 2021) and because no party opposes it.

The *Scharder* analysis provides that a Court may grant motions to stay discovery when a dispositive motion is pending if: (1) the dispositive motion can be decided without further discovery; and (2) good cause exists to stay discovery. *See Scharder*, 2021 WL 481032, at *4. Courts have "wide discretion" in controlling discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Under Local Rule 7-2(d), the failure of a party to oppose a motion constitutes a consent to the granting of the motion.

Here, Bank of America meets both prongs under the *Scharder* analysis. First, it argues that the pending motion to dismiss does not require any additional discovery because it is based on a question of law. Second, it argues that good cause exists to stay discovery because Bank of America would incur unnecessary costs in conducting discovery on a claim against which it has defended and prevailed numerous times. Finally, no party has opposed the motion. The Court

1 thus finds that a stay would accomplish the objectives of Rule 1: a just, speedy, and inexpensive
2 determination of the action. *See* Fed. R. Civ. P. 1.

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4 **IT IS THEREFORE ORDERED** that the motion to stay discovery (ECF No. 14) is
5 **granted.**

6 **IT IS FURTHER ORDERED** that in the event the motion to dismiss is not granted in
7 full, the parties shall file a stipulated proposed discovery plan and scheduling order no later than
8 14 days after a decision on the pending motion to dismiss (ECF No. 6) is issued by the court.

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10 DATED: March 27, 2023

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13 DANIEL J. ALBRECHTS
14 UNITED STATES MAGISTRATE JUDGE
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